

APPELLANT

2. Findings of Tribunal on questions of fact material to decision (i.e. the relevant facts accepted from the evidence available).

1. We are satisfied, having heard the able submission of Mr Kelman and having particular regard to the statement of 23 January 1991 on Page 9 of the appeal papers that Mary Mulligan contracted the disease of mesothelioma whilst employed at Ibrox Garage for a period approximately from 1960 to 1976.
2. We prefer this factual evidence to the assumption as to the source of the contraction of this disease which is stated in the letter of 19 July 1989 from the Victoria Infirmary Hospital Unit.

No. of continuation sheets 0

3. Full text of *unanimous/*majority decision on the *Appeal/*Reference (including amounts and effective date(s) as appropriate)

Disablement Benefit is payable because the disease is due to the nature of the deceased's employed earner's employment.

No. of continuation sheets 0

4. Reasons for decision (i.e. an explanation of why, when applying the facts to the statutory provisions and case-law, a particular conclusion is reached. And why, if it is not clear from Box 2, certain evidence has been accepted or rejected.)

1. We have explained why we have found that the balance of probabilities comes down in favour of the appellant in Box 2 above.
2. We have also had regard to the document called Asbestos: Killer Dust to support this conclusion.
3. The legislation has been correctly set out in Form AT2. We accept the Adjudication Officer's submission that we are not able, on the facts so far put forward, to make an award longer than for the period 8 July 1981 to 28 July 1981, and for this reason have left the date open so that the appellant can consider whether to ask the medical authorities to make a decision on the date of the onset of the disease which could alter the present period for which we have the power to make an award.

No. of continuation sheets 0

*Reasons for dissent if Tribunal not unanimous


Date 18 5 92 Chairman's signature 

For clerk's use only
SSAT decision notified to
parties to the proceedings on

Form AT22 noted ☒

Typing checked ☒

17 JUN 1992

Initials 

Date 17 JUN 1992 19.

*Delete as necessary

NOTES

1. If you think there is an accidental error in the tribunal record, you may apply to have it corrected. If you think the hearing was unfair because you or your representative could not attend or because not everyone had all the papers or because it would be just to do so you can apply to have the tribunal's decision set aside. But you must apply through me within 3 months, giving your reasons in full in writing.
2. If you have no grounds for applying to have the decision corrected or set aside, but you think it does not properly comply with the law in some way, you may be able to appeal to the Social Security Commissioner.
3. If you wish to appeal you should apply to the tribunal chairman for leave to appeal to the Commissioner. You must do so by writing to me within 3 months of the date on which the decision was issued stating clearly which decision you wish to appeal against and why you think the decision is wrong in law. If you ask, I will give you a form on which to make your application. Send your application to me. When you are sent the chairman's decision you will be told what to do next.
4. If you have failed to apply to the chairman within the 3 month period, you can apply to the Commissioner for leave to appeal. I will give you a form on which you can apply and on which you must state clearly why you think the decision is wrong in law, and why your application is being made late. I will also give you a post-paid envelope in which to send your application and a copy of the tribunal's decision against which you wish to appeal to the Commissioner's Office.